

Fumiya OHMI, S.N. 10/660,987  
Page 4

Dkt. 2269/62301-Z

### REMARKS

The application has been reviewed in light of the Office Action dated January 22, 2007. Claims 9-11 were pending, with claims 1-8 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 9 and 11 have been amended to clarify the claimed subject matter, and new claim 12 has been added. Accordingly, claims 9-12 are now pending, with claims 9 and 11 being in independent form.

Claim 9 was objected to as having informalities.

By this Amendment, claim 9 has been amended to clarify the claimed subject matter.

Withdrawal of the objection is respectfully requested.

Claims 9-11 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Tsujino (JP 8-77633) in view of U.S. Patent No. 6,320,832 to Nakao et al. and further in view of U.S. Patent No. 5,841,747 to Kubota et al.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits that independent claim 9 is patentable over the cited art, for at least the following reasons.

This application relates to an approach devised by applicant to format an optical recording medium in a manner that enables data recorded on the optical recording medium to be reproduced successfully, even after repeated erasing. In a method for formatting an optical information recording medium of this application, a power calibration is first performed and a suitable recording power for recording data on the recording medium is determined based on the result of the power calibration. A recording power for formatting is determined by multiplying the recording power for recording data by a coefficient of 1 or less, and the recording power for



Fumiya OHMI, S.N. 10/660,987  
Page 5

Dkt. 2269/62301-Z

formatting is utilized to format the medium. Independent claims 9 and 11 address these features, as well as additional features.

Tsujino (JP 8-77633), as understood by Applicant, proposes a system for formatting a magneto-optical recording disk wherein predetermined data corresponding to normal laser power record and data corresponding to lower laser power record (80% of the power of the normal laser power record) are stored in a ROM. When a user specifies a format operation, the system supplies a laser power voltage for elimination of the use field of the magneto-optic disk completely, and then format data is recorded on the magneto-optical disk by low laser power record, followed by utilizing the laser power voltage for playback to read the format data written on the magneto-optical disk playback. If the regenerated format data of a sector does not accurately reflect prestored format data, the sector is deemed to be defective and the address of the sector is written in defective registration field of the magneto-optical disk.

Applicant maintains that Tsujino does not render claim 9 unpatentable. For starters, Tsujino is directed to formatting of magneto-optical disks, and therefore one skilled in the art of optical disc recording would not have found Tsujino to be relevant to the claimed subject matter of this application, that is, optical recording media.

In addition to the fact that the physical process for recording and reproducing data from a magneto-optical recording disc is different from that of an optical recording medium, Tsujino relies on laser power data that is prestored on the magneto-optical recording disc. Formatting by one drive utilizing such prestored data may not be the same as formatting by another drive utilizing the same prestored data.



Fumiya OHMI, S.N. 10/660,987  
Page 6

Dkt. 2269/62301-Z

In contrast, in the method of claim 9 of the present application, recording power is determined based on the results of power calibration of the optical information recording medium by the same drive that will be performing the formatting. Since the recording power for formatting can be no greater than the recording power for data as determined through power calibration, the problem of impaired recording quality from imperfect erasing is less likely to occur.

Nakao, as understood by Applicant, proposes an approach for controlling laser power wherein test writing is performed to determine an optimum power for recording. However, Nakao does not teach or suggest that a recording power for formatting is or should be derived from such optimum power. Indeed, Nakao does not suggest any relation between laser power for recording and laser power for formatting.

Kubota, as understood by Applicant, proposes an approach for setting optical disk recording power and optical disk erasing power wherein a ratio of recording power to erasing power is set to a predetermined value. In connection with the discussion in Kubota corresponding to the ninth embodiment (Fig. 17) therein, Kubota proposes that the initial recording power and erasing power are set initially by multiplying a start point by respective predetermined values, testing the recording power and erasing power, and then correcting them if they are too large. Kubota, column 16, lines 58-61, states that the object is to prevent recording media deterioration caused by excessive recording power being improperly set.

However, Kubota, like Nakao, does not suggest any relation between laser power for recording and laser power for formatting. Although Kubota, like Nakao, is concerned with properly setting the laser power for recording data, the cited art simply does not teach or suggest



Fumiya OHMI, S.N. 10/660,987  
Page 7

Dkt. 2269/62301-Z

setting the recording power for formatting an optical information recording medium based on results of power calibration of the medium, as provided by the subject matter of claim 9.

Independent claim 11 is patentably distinct from the cited art for at least similar reasons.


Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 9 and 11, and the claims depending therefrom, are patentable over the cited art.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400